

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.2034 OF 2005

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DATE: 1st September 2006

Between:

Hamid Hussain, s/o Mr.M.E.Shareef,
Aged 44 years, Occ: business,
Resident of H.No.1/2336(3),
Housing Board Colony, Prakashnagar,
Kadapa town, Kadapa district.

... Petitioner.

And

1. The Deputy Registrar/Regional Manager,
A.P. Cooperative Housing Societies
Federation Ltd., near RTC bus stand,
Kadapa and 3 others.

... Respondents.

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ORDER:

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Admittedly, the petitioner has an effective and alternative remedy of appeal under Section 76 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'), against the impugned certificate dated 07.8.2004 issued under Section 71 of the Act. In spite of there being an alternative remedy, the petitioner ventured to file the present writ petition.

2. Therefore, the writ petition is disposed of directing the petitioner to avail alternative remedy of filing an appeal before the A.P. Cooperative Tribunal under Section 76 of the A.P. Cooperative Societies Act, within a period of eight weeks from the

date of receipt of a copy of this order and on filing such appeal, the Tribunal shall entertain the same without taking any objection as to limitation. Further, since the petitioner has deposited an amount of Rs.15,000/- (Rupees fifteen thousand only) pursuant to the interim order passed by this Court on 11.02.2005, there shall be interim stay of all further proceedings in pursuance of the certificate dated 07.8.2004 issued under Section 71 of the A.P. Cooperative Societies Act during pendency of consideration of any stay petition being filed by the petitioner along with the appeal. While considering the stay application, Rs.15,000/- deposited during the pendency of the writ petition before this Court shall be taken into consideration for the purpose of interim orders. No costs.

C.V.RAMULU, J.

Date: 01st September 2006.
BSB